

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

It appears to the Court that proper proceedings for the issuance of this Preliminary Order of Forfeiture have been had in this case as follows:

1. On May 17, 2023, a three-count Superseding Indictment (R. 41) was returned in the above-captioned case, which charged defendant Jason D. Delaney as follows:
 - Count 1: Possession of a Controlled Substance with the Intent to Distribute, in violation of 21 U.S.C. Sections 841(a)(1) and 841(b)(1)(A).
 - Count 2: Possession of Firearm and/or Ammunition by Convicted Felon, in violation of 18 U.S.C. Section 922(g)(1).
 - Count 3: Possessing a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. Section 924(c)(1)(A)(i).
2. A forfeiture provision was set forth in the Superseding Indictment (R. 41), which specified as follows:

The allegations contained in Counts 1-3 are hereby re-alleged and incorporated by reference as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853 (drug offense) and Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c) (firearms offenses). As a result of these offenses, Defendant JASON D. DELANEY shall

forfeit to the United States: (i) any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of the drug offense; (ii) any and all of his property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the drug offense; and, (iii) any and all firearms and ammunition involved in or used in the commission of the firearms offenses; including, but not limited to, the following:

a.) A total of \$11,250.00 U.S. Currency was seized on March 24, 2022, at a residence located on East 40th Street, Lorain, Ohio. \$50.00 of this \$11,250.00 was “buy money,” leaving \$11,200.00 for forfeiture.

b.) Smith & Wesson 9 mm Shield handgun, bearing serial number: HXR6384, and ammunition, seized on March 24, 2022, at a residence located on East 40th Street, Lorain, Ohio.

c.) \$2,700.00 U.S. Currency seized from Defendant on March 24, 2022.

3. A change of plea hearing as to defendant Delaney was held on April 18, 2024. A guilty plea was entered by Defendant to Counts 1, 2, and 3 of the Superseding Indictment. Plea agreement approved. (*See*, Minutes of proceedings [non-document] before Judge David A. Ruiz, filed on April 18, 2024).

4. With respect to forfeiture, the written plea agreement (R. 77) of defendant Delaney provided as follows at paragraph 6, pages 3-4:

A. Defendant agreed to the forfeiture of the following properties to the United States:

- \$11,200.00 U.S. Currency seized on March 24, 2022, at a residence located on East 40th Street, Lorain, Ohio.
- Smith & Wesson 9 mm Shield handgun, bearing serial number: HXR6384, and ammunition, seized on March 24, 2022, at a residence located on East 40th Street, Lorain, Ohio.

B. Defendant further agreed:

- The \$11,200.00 U.S. Currency, seized on March 24, 2022, is drug proceeds and is subject to forfeiture under 21 U.S.C. § 853(a)(2) as it was used - or was intended to be used - in any manner or part, to commit or to facilitate the commission of the drug offense charged in Count 1 of the Superseding Indictment.

- The Smith & Wesson 9 mm Shield handgun, bearing serial number: HXR6384, and ammunition, is subject to forfeiture to the United States under 18 U.S.C. Section 924(d)(1) and 28 U.S.C. Section 2461(c) as it was involved in or used in the commission of the firearms offenses charged in Counts 2 and 3 of the Superseding Indictment.

C. Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure,

Defendant consented that this forfeiture will become final as to him upon the Court's entry of the Preliminary Order of Forfeiture.

D. Defendant stated that he will take whatever steps are necessary to effectuate the forfeiture of the properties to the United States; including, but not limited to, the execution of whatever agreements, stipulations, and/or other documents that are necessary to effectuate the forfeiture.

E. The \$2,700.00 U.S. Currency seized from Jason D. Delaney on March 24, 2022 shall be returned to Defendant.

5. Based upon the foregoing, and pursuant to Rule 32.2(b) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture is entered as follows:

IT IS ORDERED, ADJUDGED, AND DECREED

6. The United States shall seize and take control of the following property, and it hereby is forfeited to the United States under 21 U.S.C. § 853(a)(2) (drug offense) for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n):

- \$11,200.00 U.S. Currency seized on March 24, 2022, at a residence located on East 40th Street, Lorain, Ohio.

7. The United States shall seize and take control of the following property, and it hereby is forfeited to the United States under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) (firearms offenses) for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n) [as incorporated by 28 U.S.C. § 2461(c)]:

- Smith & Wesson 9 mm Shield handgun, bearing serial number: HXR6384, and ammunition, seized on March 24, 2022, at a residence located on East 40th Street, Lorain, Ohio.

8. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order on an official government internet site for at least 30 consecutive days.

9. Upon completion of publication, this Court will enter a final order in accordance with 21 U.S.C. § 853(n).

10. The \$2,700.00 U.S. Currency seized from defendant Delaney on March 24, 2022 shall be returned to Defendant. Arrangements for such return shall be made through Defendant's counsel, Timothy Ivey. Attorney Ivey may be contacted at timothy_ivey@fd.org.

SO ORDERED this 22nd day of April, 2024.



David A. Ruiz

David A. Ruiz
United States District Judge, N.D. Ohio